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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,101	11/25/2003	Hideo Maki	8043-1019	4468
466 7590 03/06/2007 YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER ELALLAM, AHMED	
			ART UNIT 2616	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			03/06/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/720,101

Applicant(s)

MAKI ET AL.

Examiner

AHMED ELALLAM

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to Amendment filed on 12/11/2006. The Amendment has been entered.

Claims 8 and 9 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Regarding claims 8 and 9, the phrase "said LAN device being adapted to communicate with another said LAN device" is confusing because the first occurrence of "said LAN device" can be interpreted as the same as the second occurrence of "said LAN device", which imply that the device communicate with itself which is absurd. And confusing.

Additionally, the phrase "said LAN device" on line 14 is confusing because as indicated above, there are two "said wireless device", and it is not clear to which one is referred among the two.

Regarding claim 9, claim 9 depends from claim 8, thus it is subject to the same rejections.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shostak, US 2004/0043797.

Regarding claim 8, with reference to figure 1, Shostak discloses wireless local area network (LAN) system comprising:

A plurality of PDA or computers devices, see paragraph [0027], each PDA has a transmitter and receiver for communicating with at least one other PDA or computer, the devices are battery-powered communication devices and operating in a low-power "sleep" mode in which both the radio transmitter and receiver (claimed LAN device) are inactive, the receiver periodically awakens to listen for a beacon signal transmitted by the access point with which it is currently associated [0002], If the device receives a beacon signal indicating that there is buffered data, the device requests delivery of the data. If there is no such signal, the device returns to the "sleep" mode, [0003], wherein the devices exchange data in the form of IP protocol, [0008] (Claimed plurality of computers that each has a power source and a wireless LAN device, said LAN device having a source of internal power and an energy-saving mode in which said LAN device is in a sleep state, said LAN device being adapted to communicate with another said LAN device through an access point using an internet protocol (IP); wherein said LAN

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device is adapted to waken from the sleep state to respond to a beacon signal transmitted from the access point at predetermined time intervals and to determine whether a message addressed to a first one of the computers associated with the respective said LAN device is to be received; wherein said LAN device is adapted to turn ON the first computer when the beacon signal indicates that the message is to be received and to return to the sleep state when the beacon message does not indicate that the message is to be received).

Shostak while specifying the devices are battery-powered devices, it doesn't specify the receiver of one device has its own internal power to be used in response to the beacon signal when the computer is not on and to use the power source of the computer when the computer is ON.

However, as evidenced by the low-powered mode of operation of Shostak devices, the associated device hardware (claimed computer) must be inactive during the sleep time while activated if there is buffered data from the access point to be received using the battery.

It would have been obvious to a person of ordinary skill in the art, at the time the invention was made to rearrange the source of power between the receiver and other associated device hardware as part of a design choice. A person of skill would recognize rearranging the battery-powered source of Shostak either as one single source or separate sources of power since it would make no difference in the total consumption of power of a given device.

Regarding claim 9, it is implicit to Shostak to return to the sleep state when the battery source responds to the beacon signal as evidenced by the sleeping mode of operation indicated above claim 8.

Response to Arguments

3. Applicant's arguments with respect to claims 8-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, To Doris can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.E
Examiner
Art Unit 2616
3/2/07



DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600